

REMARKS

Claims 1- 15 are pending. By this Amendment, Claim 1 is amended. Claims 7 – 15 are being added and find clear support in the original claims as filed. Claim 7 is claims 1, 2, and 3 combined together with the limitation that the outer end of the recess is closed along an entire periphery thereof. Claim 11 is claims 1 and 3 combined with the same limitation. Support for the amendments and addition are provided in, such as, for example only, page 7, lines 1-5 and 12 - 24 and Figures 8-11 of the originally filed application. As such, Applicants respectfully submit no new material is presented herein.

Claims 1-6 Recite Patentable Subject Matter

Claims 1-6 were rejected under 35 U.S.C. §103(a) as being anticipated by U.S. Patent Number 5,862,570 to Lezuch et al. in view of U.S. Patent Number 4,194,265 to Zimmermann. Applicants would respectfully traverse a re-application of this rejection.

Claim 1 recites a door checker for an automobile including, among other features a pair of ball holders accommodated in a case that are capable of advancing and retracting toward and away from the opposite sides of a check plate, wherein a projection is integrally formed on a side of each ball holder and resiliently abuts against an inner side of the case, the projection being disposed at a center of and extending away from the side of the ball holder ***in a direction parallel to a longitudinal axis of the check plate.***

As explained on page 7, lines 1-5 and illustrated in Figures 8-11 of the instant application, because the projection extends in a direction parallel to a longitudinal axis

of the check plate, the projection abuts against the inner side of the cover or case body and suppresses the ball holder from chattering within the case.

Applicants respectfully submit Lezuch and Zimmermann, alone or in combination, fail to disclose or suggest such a feature.

Applicants note a detailed discussion of Lezuch is provided in the Responses dated January 11 and October 4, 2005, which are incorporated herein in their entirety.

Applicants further note the Response dated October 4, 2005 argued that Lezuch fails to teach or suggest a projection being integrally formed on a side of each ball holder (62) and resiliently abutting against an inner side of the case (50), wherein the projection is disposed at a center of and extending away from a side of the ball holder (62). Applicants had argued that the ball holder (62) disclosed by Lezuch fails to teach or suggest such a projection. Applicants noted the ball holder (62) is for the embodiment illustrated in Figures 1-5 of Lezuch.

Moreover, in the October 4 Response, Applicants acknowledged the alternate embodiment illustrated in Figure 6 of Lezuch taught a guide member (80) having an appendage (82) and a flange (83). The Applicants pointed out that the appendage (82) includes a projection disposed at a center of and extending away from an end surface of the appendage (82) but that the projection does not extend away from a side of the appendage (82). Rather, as explained by the Applicants, Lezuch teaches the flange (83) includes a pair of projections (i.e., not one projection) extending away from a side of the guide member (80) but that the projections are not disposed at a center of the side of the guide member (80).

The Office Action of December 29, 2005 asserts that Lezuch includes a projection extending from a second sidewall (82) that is disposed at a center of the **ball holder**. Applicants respectfully note the alternate embodiment illustrated in Figure 6 is not a ball holder. In fact, the item illustrated in Figure 6 is a roller guide member that is not configured to receive a ball therein. Instead, the roller guide members (80) are each configured to receive a cylindrical shaped check arm engaging roller (78). Put simply, the door check assembly (76) illustrated in Figure 6 uses check arm engaging rollers (78) **instead of** check arm engaging balls (68) that are used in the embodiment illustrated in Figures 1-5. See column 4, lines 52-59 of Lezuch.

However, despite the unmistakable difference between the ball holders (62) and roller guide member (80), Applicants presume the Office Action intends to be arguing that it would have been obvious to one of ordinary skill in the art to modify the ball holders (62, 62) based on the teachings of the roller guide members (80, 80) wherein the modified ball holders (62, 62) would have the projection extending from the end face of the appendage (82) and the projections extending from the side surface of the flange (83). Regardless of the intent of the Office Action and no matter how the ball holders (62) are modified, Applicants note Lezuch fails to teach or suggest the projections extending in a direction that is parallel to a longitudinal axis of the check arm (18 or 84).

Moreover, Applicants respectfully submit the projections taught by Lezuch would never extend in a direction that is parallel to the longitudinal axis of the check arm (18 or 84) because the projections in Lezuch are used to join the flange (83) of one guide member (80) to the appendage (82) of the other guide member (80) and join the appendage (82) of the one guide member (80) to the flange (83) of the other guide

member (80). As such, the resulting structure is essentially a box with closed top, bottom, left and right sides but open front and back sides which permits the joined guide members (80, 80) to roll back and forth along the surfaces (86, 86) of the door check arm assembly (76). In order for the projections to extend in a direction that is parallel to the longitudinal axis of the check arm (84), the corresponding appendages (82) and flanges (83) would have to join with each other such that the front, back, top and bottom sides were closed and the left and right sides would be open. However, if the left and right sides were open and the front and back sides closed due to the joining of the appendages (82) and flanges (83), the rollers (78, 78) would only be able to roll left and right on the check arm (84) and not longitudinally.

Accordingly, one of ordinary skill in the art would not find it obvious to modify Lezuch in view of Zimmermann because to do so would not arrive at the invention recited by Claim 1 as neither reference provides a ball holder having a projection that extends parallel to a longitudinal axis of the check arm.

As further evidence that the projections taught by Lezuch are not intended to provide a benefit of suppressing chatter, Applicants respectfully note the alternate embodiment taught by Lezuch incorporates a rubber or foam-like cylinder (81) as an optional dampening member for the springs (70) placed underneath or on top of the corresponding rolling guide member (80) (see column 4, lines 60-67 and Figure 6 of Lezuch).

Applicants note a detailed discussion of Zimmermann is provided in the Responses dated June 21 and October 4, 2005, which are incorporated herein in their entirety. However, the noted discussion does not discuss the failure of Zimmermann to

teach or suggest a projection being integrally formed on a side of each ball holder or end (103, 124) and resiliently abutting against an inner side of the case (101), wherein the projection is disposed at a center of and extending away from a side of the ball holder or end (103, 124) in a direction that is parallel to a longitudinal axis of the check plate (102). While the ball holder or end (sleeve, 103) includes a projection extending from a center of a side surface thereof, the projection does not resiliently abut against the inner side surface of the case (101) as the projection abuts against the steering arm or check plate (102) instead and extends in a direction that is orthogonal or perpendicular to a longitudinal axis and not parallel thereto.

Further, Claim 1 requires, among other features that the balls be retained in hemispherical ball housings formed in the ball holders with the recess being formed in an inner surface of the ball housing. While Lezuch may teach a recess (un-numbered area defined by flanges 66), such recess is not formed in an inner surface of the ball housing as claimed. Zimmermann fails to cure this deficiency.

To establish *prima facie* obviousness of a rejection claim, each feature of the claim must be taught or suggested by the applied art of record. See M.P.E.P. §2143.03. As explained above, Lezuch and Zimmermann, alone or in combination, fail to teach or suggest a projection being integrally formed on a side of each ball holder and resiliently abutting against an inner side of the case, wherein the projection is disposed at a center of and extending away from a side of the ball holder in a direction that is parallel to a check arm or check plate, as is recited by independent Claim 1.

Lezuch and Zimmermann fail to teach or suggest each and every feature recited by Claim 1. Accordingly, Claim 1 is not rendered obvious in view of Lezuch and

Zimmermann, either alone or in combination. Therefore, Applicants respectfully submit Claim 1 should be deemed allowable.

Claims 2-6 depend from Claim 1. Therefore, Applicants respectfully submit Claims 2-6 should be deemed allowable for at least the same reasons Claim 1 is allowable, as well as for the additional subject matter recited therein.

Claims 7 – 15 have been added to the application to emphasize additional features of the invention not shown or taught in the art of record. As noted above, while Lezuch may teach a recess (un-numbered area defined by flanges 66), such recess is not formed in an inner surface of the hemispherical ball housing as claimed. Further, there is no teaching or suggestion that the outer end of such a recess be closed along a whole periphery thereof by contact portions between the ball and an inner peripheral surface of the hemispherical ball housing so that entrance of dust into the recess can be minimized by the contact portions between the ball and the inner peripheral surface of the ball housing. There is no teaching or suggestion of the specific structure of the recess as claimed in Claim 11. Zimmermann fails to cure these deficiencies.

Conclusion

In view of the foregoing, reconsideration of the application, allowance of Claims 1-6 together with Claims 7 – 15, and the prompt issuance of a Notice of Allowability are respectfully solicited.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing docket number 107348-00354.**

Respectfully submitted,
ARENT FOX PLLC

A handwritten signature in black ink, appearing to read "Murat Özgu", is written over a horizontal line.

Murat Özgu
Attorney for Applicants
Registration No. 44,275

21931

Customer No. 004372

ARENT FOX PLLC
1050 Connecticut Avenue, NW, Suite 400
Washington, DC 20036-5339
Telephone: (202) 857-6000

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Enclosures: Request for Continued Examination